



1734
7318-105 JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: RANDALL M. CARPENTER) Group Art Unit: 1734
Serial No. 10/053,280) Examiner: Lazor, Michelle A.
Filed: November 8, 2001)
For: ARTIFICIAL ROCK AND METHOD)
FOR FORMING AN ARTIFICIAL)
ROCK)

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant was notified on June 18, 2004 by an attorney having access to the PAIR files for the now bankrupt Lyon & Lyon LLP that a restriction requirement had been sent to Lyon & Lyon LLP which no longer receives mail. The status has been reviewed and it is noted that the Restriction Requirement was mailed on March 23, 2004. The undersigned had previously spoken with the Examiner in this matter, indicating that the undersigned was on the power and that a change of address had been sent to the USPTO, copy enclosed here. The telephone conversation pertained to an oral election which was made for the method claims 1 through 37 over the apparatus claims 38 through 52. Notes in the file indicate a second request, to elect claims 1

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

June 22, 2004
Date of Deposit

John D. McConaghy
Name of Person Mailing Paper

Signature of Person Mailing Paper

through 25 or claims 26 through 36, understood to differ by the recitation of a release agent.

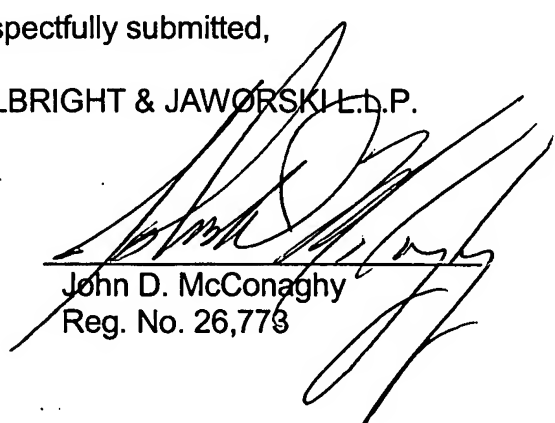
Applicant here reaffirms that the method claims are elected, without traverse. Further, claims 1 through 25 are also elected but with traverse. The distinction being drawn between these claims is artificial. Method claim 1 is broader than method claim 26 in the sense that claim 1 does not recited the application of a release agent. However, there is no prohibition in claim 1 against the application of a release agent. The coating with a release agent is, in the case of the claim group 1 through 25, a further detail which is found in claims 19 and 20 depending from claim 1. This is not comparable to a claim set where two embodiments afford a choice of different elements found in different claims with mutually exclusive language. Here the coating step is simply a further recitation, an addition to claim 1, without another option found in some second embodiment. Reconsideration is requested.

Not having seen the Official Action and not knowing the specific period for return, applicant here requests any extensions of time, if necessary. The Commissioner is hereby authorized to charge payment of any extensions of time or other fees associated with this response to deposit Account Number 50-0337.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

By:


John D. McConaghy
Reg. No. 26,773

June 21, 2004

865 South Figueroa Street #2900
Los Angeles, CA 90017-2576
(213) 892-9200